

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

GORDON TODD SKINNER,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-07-353-HE
	)	
JOSEPH SCIBANA, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Gordon Todd Skinner, a state prisoner appearing pro se and in forma pauperis, filed this § 1983 action<sup>1</sup> in the Northern District of California. The action was transferred to the Western District of Oklahoma and, consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Magistrate Judge Gary M. Purcell for initial proceedings. He has recommended that the action be dismissed without prejudice because the plaintiff has not paid the initial partial filing fee as directed, and also failed to either request an extension of time to pay the required fee or show cause in writing for his failure to comply with the court's order.<sup>2</sup>

The plaintiff failed to object to the Report and Recommendation and thus waived his right to appellate review of the issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(C);

---


<sup>1</sup>The plaintiff characterizes it as a Bivens action. Complaint, p. 1.

<sup>2</sup>*The magistrate judge advised the plaintiff that unless the fee was paid or he showed cause in writing for his failure to do so, the action could be dismissed without prejudice to refiling.*

LCvR72.1(a). Accordingly, the court adopts Magistrate Judge Purcell's Report and Recommendation, and **DISMISSES** the action.<sup>3</sup>

**IT IS SO ORDERED.**

Dated this 27th day of June, 2007.



JOE HEATON  
UNITED STATES DISTRICT JUDGE

---

<sup>3</sup>The court notes that the plaintiff has another action pending, Skinner v. United States Bureau of Prisons, No. CIV-07-249-HE, which involves many of the same defendants and similar, if not identical, claims.